

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2849

PETITION OF CAROL A. CRAWFORD

OPINION OF THE BOARD

(Opinion Adopted January 9, 2013)

Effective Date of Opinion: January 18, 2013

Case No. S-2849 is an application for a special exception, under Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The subject property is Lot 6, Block Q, Woodside Park Subdivision, located at 9222 Woodland Drive, Silver Spring, Maryland 20910, in the R-60 Zone.

The Hearing Examiner for Montgomery County held a hearing on the application on November 15, 2012, closed the record in the case on November 27, 2012, and on December 27, 2012, issued a Report and Recommendation for approval of the special exception.

Decision of the Board:

Special Exception **Granted** Subject to
the Conditions Enumerated Below.

The Board of Appeals considered the Report and Recommendation at its Worksession on January 9, 2013. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner is bound by her testimony, representations and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in this Report.
2. Petitioner must comply with the conditions set forth in the Memorandum of Robert Goff, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibit 13):

- a. Install egress window in bedroom. Window must be 5 square feet opening.
 - b. Install GFCI outlet in bathroom.
 - c. Install GFCI outlets in kitchen.
 - d. Replace the bottom Shelf in the refrigerator.
 - e. Install breaker blanks in panel box.
 - f. Install a cover on the electrical box under breaker box.
 - g. The total habitable space in the accessory apartment is approximately 357 square feet and occupancy is limited to two (2) individuals or a family of three.
3. Petitioner must occupy one of the dwelling units on the lot on which the accessory apartment is located.
4. The accessory apartment must not be located on a lot that is occupied by a family of unrelated persons, or where there is a guest room for rent, a boardinghouse or registered living unit.
5. Petitioners must not receive compensation for the occupancy of more than one dwelling unit.
6. Both Petitioner, as trustee of the Carol A. Crawford Trust, and the Petitioner as an individual, are bound by the conditions of this special exception.
7. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

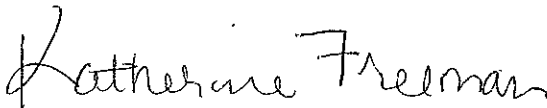
On a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with David K. Perdue, Vice-Chair and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 18th day of January, 2013.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.